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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,892	11/30/2001	Hideo Miyake	003510-115	2777

7590

03/31/2004

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Burns, Doane, Swecker & Mathis, L.L.P.
Alexandria, VA 22313-1404

EXAMINER

CHU, JOHN S Y

ART UNIT	PAPER NUMBER
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1752

DATE MAILED: 03/31/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/996,892

Applicant(s)

MIYAKE ET AL.

Examiner

John S. Chu

Art Unit

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[Handwritten signature]

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10 is/are allowed.
- 6) ☒ Claim(s) 11, 12 and 14-20 is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This Office action is in response to the amendment filed December 5, 2003.

1. Claims 1-10 are allowed.

None of the prior art references of record disclose the claimed invention wherein a positive planographic printing plates precursor, comprising a support having disposed thereon a positive recording layer containing (A) a water-insoluble and alkali-soluble, (B) an infrared absorbent and (C) an organic quaternary ammonium salt, wherein solubility of the recording layer in an aqueous alkali solution is increased by exposure to an infrared laser.

The rejection over GUZZI in view of KAWAMURA et al is withdrawn wherein the arguments by applicant are accepted wherein a prima facie case of obviousness is not present.

The non-elected species to claims 11-20 are now being considered in light of the elected species to claims 1-10 being seen as allowable.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 11, 12, and 14-20 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by SHERIFF et al '610.

The claimed invention is drawn to the following:

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11. (Withdrawn) A positive planographic printing plate precursor, comprising a support having disposed thereon at least two positive recording layers containing a water-insoluble and an alkali-soluble resin and an infrared-absorbing dye, with solubility of the recording layer in an aqueous alkali solution being increased by exposure to an infrared laser, wherein a coating amount of an upper positive recording layer is in the range of 0.05 to 0.45 g/m².

SHERIFF et al '610 discloses an infrared composition comprising a diazonaphthoquinone compound and a non-basic IR absorbing material. Examples 2 and 11 anticipate the claimed invention wherein the claims as recited are interpreted to be a single coating layer when the "at least two" positive recording layers is made from the same components such that the distinction between the two layers becomes unclear and that the top layer can be seen as having a coating amount as recited.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. VAN DAMME et al '33 discloses a two layer lithographic printing plate wherein the top layer comprises an alkali-insoluble resin such as nitrocellulose and an IR absorbing dye and the second layer comprises an alkali-soluble resin and an IR absorbing dye.

PATEL et al '811 discloses a thermal digital lithographic printing plate wherein the top layer comprises a binder and an photothermal converting agent while the second layer may comprise an IR dye, however the claims in PATEL et al lacks an IR dye in both layers, while the Examples show an IR dye in the first layer.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Chu whose telephone number is (571) 272-1329. The examiner can normally be reached on Monday - Friday from 9:30 am to 6:00 pm.

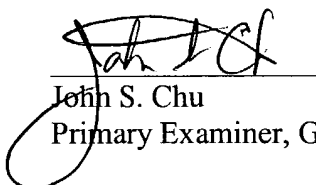
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The fax phone number for the USPTO is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-1700.



John S. Chu
Primary Examiner, Group 1700

J.Chu
March 20, 2004